

ATTACHMENT 1 - SOLID WASTE COLLECTION VEHICLE RULE PROPOSED REGULATION ORDER

**** New Regulation ****

1. Adopt new section 2020, Title 13, Chapter 1, Article 4. California Code of Regulations, to read as follows:
(Note: The entire text of section 2020 set forth below is new language proposed to be added to the California Code of Regulations.)

Section 2020. In-Use Performance Standards for On-road Heavy-duty Diesel-fueled Residential and Commercial Solid Waste Collection Vehicles

- (a) **Scope and Applicability.** This rule applies to on-road diesel-fueled heavy-duty residential and commercial solid waste collection vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds (referred to as "collection vehicles" for the remainder of the document).
- (b) **In-Use Performance Standards.** As of the applicable effective dates, no collection vehicle owner may own, operate or lease a collection vehicle in his active fleet unless the vehicle meets one of the following conditions:
 - (1) **Retrofit.** Use an emission control system (ECS) verified to the highest level diesel PM emission reduction capability under the Retrofit Verification Procedure.
 - (2) **Repower.** Repower engine to a certified 0.01 g/bhp-hr diesel PM emission standard using either:
 - (A) An engine certified to a 0.01g/bhp-hr diesel PM emission standard, or
 - (B) An engine certified to a 0.1 g/bhp-hr diesel PM emission standard plus an ECS verified to the highest level diesel PM emission reduction capability under the Retrofit Verification Procedure, or
 - (3) The collection vehicle engine is ARB certified to the 0.01 g/bhp-hr diesel PM emission standard, or is alternative fueled.
 - (4) **Exemptions.** If no ECS is available six months prior to implementation deadline for engine model year tier, the collection vehicle owner may apply to the Executive Officer for a one-year implementation delay by the due date of the annual report for which the vehicles are planned to come under compliance. Approval from the Executive Officer will be based on the documentation of lack of availability of an ECS for the specific engine(s). The Executive Officer will make his decision within 30 working days of receipt of the request. The Executive Officer may grant a one-year

implementation delay without documentation from the collection vehicle owner based on ARB research of available ECS. These delays will be available by January 1st of each calendar year. After the one-year delay, the engine must meet another of the in-use performance standards listed above.

- (c) Definitions. For the purposes of the fleet rule specified in this section, the following definitions apply:

* means the definition is already defined elsewhere, and will not be included in the regulation.

- (1) *"Active fleet" means a collection vehicle owner's total active fleet of on-road diesel-fueled heavy-duty residential and commercial solid waste collection vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds, including back-up vehicles which accrue greater than 1000 miles per year, but not contingency vehicles (e.g. for emergencies) or non-revenue producing vehicles (Title 13, Section 1956.2 Fleet Rule for Transit Agencies).
- (2) "Alternative fuel" means natural gas, propane, ethanol, methanol, electricity, fuel cells, or advanced technologies that do not rely on diesel fuel. Alternative fuel also means any of these fuels used in combination with each other or in combination with other non-diesel fuels. Alternative fuel also means dual fuel or hybrid-electric vehicles that have no more than 0.01 g/bhp-hr diesel PM emissions (based on SCAQMD, Rule 1193).
- (3) "Collection vehicle owner" is a person who owns, leases or operates a solid waste collection vehicle. A person is a federal, state, county, or city government department or agency; special district such as a sanitation or water district; individual firm; limited liability company; association; partnership; corporation or any other entity that collects solid waste (based on SCAQMD, Rule 1193).
- (4) *"Commercial solid wastes" include all types of solid wastes generated by stores, offices and other commercial sources, excluding residences, and excluding industrial wastes (Title 27, CIWMB, Section 20164).
- (5) "Fuel infrastructure" means either transportation or storage tanks for the fuel.
- (6) *"Heavy-duty engine" means an engine, which is used to propel a heavy-duty vehicle (ARB).
- (7) *"Residential solid waste" means solid waste originating from single-family or multiple family dwellings (Title 14, Section 18720).
- (8) "Repower" means the engine has been rebuilt, replaced, or remanufactured using a California certified kit or engine to meet the required certified diesel PM emission level.

- (9) ***"Rolloff vehicle"** means any heavy-duty vehicle used for transporting waste containers such as open boxes or compactors (SCAQMD, Rule 1193).
- (10) ***"Solid waste"** means all putrescible and nonputrescible solid, and semisolid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Solid waste does not include hazardous waste, radioactive waste, or medical waste as defined in Section 40191(b) of the Public Resources Code (CIWMB; SCAQMD, Rule 1193).
- (11) **"Solid waste collection vehicle"** means a heavy-duty vehicle used for the purpose of collecting solid waste, yard waste, or recyclable materials from residential or commercial establishments. A solid waste collection vehicle is a vehicle having the capability to collect solid waste using, manual or automated, front, side or rear loaders or rolloff vehicles, and generally operates on fixed routes (based on SCAQMD, Rule 1193).

(d) Implementation Schedule

- (1) To reduce public exposure to diesel particulate matter, the collection vehicle owner shall retrofit or repower collection vehicles in their active fleets according to the schedule below. Documentation of compliance with these requirements must be provided in accordance with the provisions of "Reporting" sections.
- (A) Tier 1 - By July 1, 2006 the collection vehicle owner shall not own, operate or lease a diesel-fueled, dual-fuel, bi-fuel, or diesel hybrid collection vehicles in his active fleet with 1991 to 2002 model year engines, unless the engines comply with the provisions of the "In-Use Performance Standards" section. Twenty-five percent of the collection vehicles shall be retrofit or repowered by July 1, 2004; fifty percent of the collection vehicles shall be retrofit or repowered by July 1, 2005; and one hundred percent of the collection vehicles shall be retrofit or repowered by July 1, 2006.
- (B) Tier 2 - By July 1, 2008 the collection vehicle owner shall not own, operate or lease diesel-fueled, dual-fuel, bi-fuel, or diesel hybrid collection vehicles in his active fleet with 1990 or earlier model year engines, unless the engines comply with the provisions of the "In-Use Performance Standards" section. Twenty-five percent of the collection vehicles shall be retrofit or repowered by July 1, 2006; fifty percent of the collection vehicles shall be retrofit or repowered by July 1, 2007; and one hundred percent of the collection vehicles shall be retrofit or repowered by July 1, 2008.
- (C) Tier 3 - By July 1, 2008 the collection vehicle owner shall not own, operate or lease diesel-fueled, dual-fuel, bi-fuel, or diesel hybrid collection vehicles in his active fleet with 2003 to 2006 model year engines, unless the engines comply with the provisions of the "In-Use Performance Standards" section. Twenty-five percent of the collection vehicles shall be retrofit or

repowered by July 1, 2006; fifty percent of the collection vehicles shall be retrofit or repowered by July 1, 2007; and one hundred percent of the collection vehicles shall be retrofit or repowered by July 1, 2008.

Tier	Engine Model Years	Percentage of Fleet	Implementation Date
1	1991-2002	25% 50% 100%	2004 2005 2006
2	Pre-1991	25% 50% 100%	2006 2007 2008
3	2003-2006	25% 50% 100%	2006 2007 2008

- (2) Beginning July 1, 2003, the collection vehicle owner shall not operate collection vehicles on diesel fuel with a sulfur content in excess of 15 parts per million by weight as discussed in under "Fuel Requirement."

(3) Reporting

- (A) The initial report discussed under "Reporting Requirements" must be submitted by January 31, 2004 for the fleet composition as of January 1, 2004.
- (B) The annual report discussed under "Reporting Requirements" shall be submitted by January 31st of every calendar year beginning January 31st, 2005 and continuing to 2010 or until all collection vehicles are in compliance, but no earlier than 2007.

(e) Fuel Requirement

- (1) As of the applicable effective date, no collection vehicle owner may operate a collection vehicle on diesel fuel with a sulfur content in excess of 15 parts per million by weight.
- (2) Exemption. If no fuel or fuel infrastructure is available six months prior to the applicable effective date, the collection vehicle owner may apply to the Executive Officer for an implementation delay by January 31, 2003. Approval from the Executive Officer will be based on the documentation of lack of availability of fuel or fuel infrastructure for the collection vehicle owner's solid waste collection vehicles. The Executive Officer will make his decision within 60 working days of receipt of the request. The Executive Officer may grant an implementation delay to July 1, 2006.

(f) Reporting Requirements

(1) Collection vehicle owner must submit to the ARB the following reports:

(A) An initial report containing the following information:

- i. Business name, collection vehicle owner name, contact name, business address, business telephone number, business fax number,
- ii. An inventory of the collection vehicle heavy-duty diesel engines including engine manufacturer, engine model, engine model year, fuel usage type, vehicle type, engine serial number, and number of each,
- iii. The vehicle identification numbers of the collection vehicles and year of the vehicle,
- iv. The fleet California identification number and terminal number, and
- v. When and how each vehicle will meet the diesel particulate matter in-use performance requirement.

(B) An annual report containing the following information must be submitted:

- i. Any changes to the initial report, and
- ii. Retrofit information, including a description of how the retrofit requirement was met, verification of the retrofit (i.e. receipts), and when the retrofit occurred (this needs to be submitted only once for each vehicle).

(C) Maintenance and inspection records that verify the proper functioning of the retrofit as discussed in the "Retrofit Verification Procedure" Section, and a copy of the initial and annual reports must be maintained in the fleet Periodic Smoke Inspection Program records for the lifetime of the vehicles with model year diesel engines pre-2007.

(g) Compliance

(1) See HDVIP and PSIP Section 2026-2194, Title 13, CCR amendments

The specific requirements for meeting these PM in-use performance standards are detailed in sections 2020.1 and 2020.2 (Verification Procedure Requirements).

NOTE: Authority cited: sections 39600 and 39601, Health and Safety Code.
Reference: section 39002, 39003, 39658, 43000, 43013, 43018, 43101, 43102, 43104, and 43105.